

# US Supreme Court rejects appeal of mentally impaired death row inmate

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On Tuesday the United States Supreme Court rejected the appeal of Exzavious Lee Gibson, an inmate on the state of Georgia's death row. Gibson, who has an IQ of between 76 and 82, was forced on September 12, 1996 to attend a state post-conviction (habeas corpus) hearing into his conviction and sentencing without legal representation, as he was too poor to afford one.

Three of seven US high court judges dissented, saying that the situation Gibson faced was one "that no just government should countenance." However, the majority ruled that the man had no constitutional right to legal representation at the hearing. Gibson's case is believed to be the first since the resumption of executions in 1976 in which a capital defendant was forced to appear at his habeas hearing without a lawyer.

At the Georgia trial, Exzavious Gibson attempted to defend himself, but transcripts of the hearing record that he called no witnesses, presented no evidence and made no objections. The Georgia court allowed the hearing to proceed and dismissed his appeal. Gibson's subsequent appeal to the Georgia Supreme Court was rejected in early 1999. The Anti-terrorism and Effective Death Penalty Act, signed into law by Bill Clinton in 1996, severely limits the ability of federal courts to override state court rulings.

Gibson was convicted of armed robbery and the murder of Douglas Coley in 1990. He was 17 years old at the time, and his execution would be in violation of international law, which forbids the use of the death penalty for crimes committed by anyone under the age of 18. More than 70 of the more than 3,300 inmates on death row in the United States were convicted of crimes committed when they were juveniles.

More than 90 percent of those on the nation's death row are indigent and cannot afford attorneys. In 1995, the US Congress cut off funding to all Post Conviction

Defender Associations (also known as Death Penalty Resource Centers) which had provided attorneys for almost half of all death row inmates.

Gibson's appeal to the Supreme Court was supported by the American Bar Association, the NAACP Legal Defense and Educational Fund and the Southern Center for Human Rights. The NAACP has criticized the speeding up of the habeas process for death row inmates in recent years, which makes it more difficult for inmates to appeal their convictions and sentences.

The human rights group Amnesty International condemned the Supreme Court's rejection of Gibson's appeal, citing international standards that require anyone facing the death penalty have access to adequate legal representation at every stage of his case.

In an October 13 statement Amnesty International noted, "The importance of proper legal representation for capital defendants is demonstrated by the fact that more than 80 death row inmates have been released in the USA since 1973 after evidence of their innocence emerged. Many had been sentenced to death after being represented at trial by lawyers inexperienced in the immense complexities of US capital proceedings."

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